

5W

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/079,014	PANSINI, ANDREW L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert M. Fetsuga	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone interview on March 10, 2005.
  2. ☒ The allowed claim(s) is/are 1,4,7,9,12 and 17.
  3. ☒ The drawings filed on 19 February 2002 are accepted by the Examiner.
  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                     |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                    | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|                                                                                                                     | 9. <input type="checkbox"/> Other _____.                                               |

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John K. Uilkema on March 16, 2005.

In the specification,  
delete the paragraph beginning at page 4, line 24, and  
substitute the following:

By way of illustration and for exemplary purposes only, automatic fill device 20 and overfill drain device 60 can be mounted on a support member, in the form of an adjustable member, ~~such as a platform or~~ plate, 80 so that the height of automatic fill device 20 and overfill drain device 60 ~~within tank 12~~ can be simultaneously adjusted via plate 80, as follows. First and second protrusions 14a, 14b extend vertically outwardly from first and second sides 12a, 12b of tank 12. First and second protrusions 14a, 14b slidably receive a portion of plate 80 and act as guide means for adjusting the height of plate 80, as follows. First and second ends 80a, 80b of plate 80 are slidably inserted between fourth side 12d of tank 12 and first and second protrusions 14a, 14b. The protrusions 14a, 14b

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provide channels which slidably receive the plate 80. The plate 80 provides means for mounting the automatic fill device 20 and overfill drain device 60 in fixed relationship to each other for unitary simultaneous elevational movement relative to the chamber provided by the tank 12. During such movement, the plate slides vertically within the channels defined by the protrusions 14a, 14b. Plate 80 is held in place against fourth side 12d of tank 12 by adjusting means 84. To adjust the desired pool level, the heights of automatic fill device 20 and overfill drain device 60 ~~within tank 12~~ are simultaneously adjusted by backing off adjusting means 84, moving plate 80 to a desired position within tank 12 and engaging adjusting means 84 to lock and hold plate 80 in place in the desired position. ~~Plate 80 is not permanently attached to first, second, third or fourth sides 12a, 12b, 12c, 12d of tank 12, and accordingly elevational movement of plate 80 relative to tank 12 is not restricted by any attachment to the tank.~~

In the claims,

Replace all prior versions, and listings, of claims, with the following:

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1. (Currently Amended): A tank in communication with a swimming pool, said tank containing both an automatic fill device and an overflow drain device secured to a common support member for unitary elevational adjustment relative to the tank to enable the heights of the automatic fill device and overflow drain device within the tank to be simultaneously and unitarily adjusted to set a desired pool water level, and further comprising adjusting means for adjusting the height of the automatic fill device and the overflow drain device within the tank.

2-3. (Cancelled)

4. (Currently Amended): A tank in communication with a swimming pool, said tank containing an automatic fill device and an overflow drain device connected to each other in a fixed relationship for simultaneous elevational adjustment relative to the tank, whereby setting the elevation of one of the devices automatically sets the elevation of the other of the devices, wherein the automatic fill device and the overflow drain device are connected to a vertically adjustable member, and further comprising adjusting means to selectively secure the vertically adjustable member at different levels within the tank.

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5-6. (Cancelled)

7. (Currently Amended): The tank of claim ~~6~~ 4, wherein when the height of the vertically adjustable member is set a preselected water level is set, the overflow drain device has an inlet, and the inlet is located above the preselected water level.

8. (Cancelled)

9. (Currently Amended): A skimmer comprising:  
a positive pressure area;  
a relatively no flow chamber in communication with the positive pressure area of the skimmer;  
an automatic fill device contained in the chamber; and  
an overflow drain device contained within the chamber;  
means for connecting the automatic fill device and overflow drain device in a fixed relationship to each other for simultaneous elevational movement relative to the chamber, whereby the heights of the automatic fill device and overflow drain device within the tank are simultaneously adjustable, and setting the height of one of the devices in the chamber automatically sets the height of the other device in the

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chamber, and wherein the automatic fill device and the overflow drain device are attached to an adjustable plate.

10-11. (Cancelled)

12. (Currently Amended): The skimmer of claim ~~11~~ 9, further comprising adjusting means for adjusting the height of the ~~support member~~ plate within the chamber.

13-16. (Cancelled):

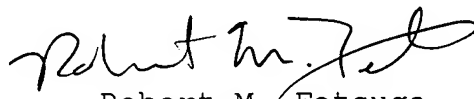
17. (Originally Presented): A skimmer comprising:  
a positive pressure area;  
a relatively no flow chamber in communication with the positive pressure area of the skimmer;  
an automatic fill device contained in the chamber;  
wherein the automatic fill device and overflow drain device are attached to an adjustable plate; and  
adjusting means for adjusting the height of the plate within the tank.

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2. Claims 1, 4, 7, 9, 12 and 17 are allowed.

3. The amendment to the specification merely repeats the substance of the amended paragraph filed January 24, 2005, but presented in compliance with 37 CFR 1.121(b)(1)(ii). Claims 3, 6, 7, 12 and 17 were determined to be allowable as presented January 24, 2005. Claim 11 was determined allowable as presented September 03, 2004. Claim 1 includes claim 3, claim 4 includes claims 5 and 6, and claim 9 includes claim 11. Claim 14 was cancelled as being drawn to an invention non-elected without traverse in the response filed June 30, 2003.

4. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday.



Robert M. Fetsuga  
Primary Examiner  
Art Unit 3751